

**MINUTES
PLANNING AND ZONING COMMISSION
CONTINUATION MEETING
DATE MARCH 16, 2021
6:30 p.m. BY THE VIRTUAL LINK BELOW**

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1. **CALL TO ORDER** Chairperson Robinson called the meeting to order at 6:31 p.m.
2. **PLEDGE OF ALLEGIANCE:** The pledge of allegiance was recited by the members and guests while Building Official Douady held the image of the United States Flag to the screen.
3. **ROLL CALL:** Present at the meeting were: Commissioners Robinson, Tucker, Truelsen and Heeney; Ex Officios Trustee Watters and Trustee Lewis; Staff members Manager Charles, Building Official Douady, Attorney Kelly, Planner Garvin and Assistant Clerk Swope.
4. **IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.**
5. **APPROVAL OF THE AGENDA** Chairperson Robinson requested Manager Charles explain amending the agenda to include an action item about Short Term Rental Regulations following the public hearing. Commissioner Truelsen moved and Commissioner Tucker seconded to amend the agenda to include an action item following the public hearing.

Yes: all

No: none
6. **PUBLIC PARTICIPATION 5 minutes per person.** No comments were offered.
7. **CONSENT AGENDA:** None

- 8. STAFF REPORTS:** Manager Charles led the group through the Short-Term regulation highlighting definitions of short term rentals, the purpose statement, the applicability, where permitted, the number of permits, established short term business at the time of adoption, overnight occupancy, noise, taxes, insurance, health and safety code compliance, parking, permit and review processes, renewals and finally the calendared review of the regulation.
- 9. PUBLIC HEARING AMEND THE LAND USE CODE WITH SHORT TERM RENTAL REGULATION** Chairperson Robinson opened the public hearing at 6:39 p.m.

5 meeting attendees offered public comment regarding STR regulations.

- Linnea Peterson is concerned about the new transient type of professional who may need a place to live for a time greater than 30 days but not more than 6 months and how new regulations affect that type of residency? Spoke of STR regulations being stricter than long term rental property owners.
- Chris Curry who owns and operates a vacation rental in Dolores requests the town only require the properties comply with the health and safety requirements prescribed by the building codes. Minimal regulation will allow revenue streams to enter Dolores.
- Grant Curry read the email he sent to the Planning Commission on March 16, 2021. He made three points of concern for the way he currently operates his Short-Term rental and how the regulations will affect those. One is the group size limit for gatherings, the second is the total number of overnight guests set at 8 when he has targeted larger families for his place, the third is the prohibition to sell his STR permit to another person.
- Pat Blackmer has concerns about the total number of permits in town and wanted to remind the commission that a short-term rental is a tax earner and long-term rentals are not.
- Rachel Vass is supportive of the health and safety regulations and the limit of 20 permits total. She did request the owner or property managers' physical address be removed from the required contact information sheet posted at the property but remain in the town office and with the law enforcement for emergency purposes only.

She points out the overall loss of retail structures from conversions and destruction (fire) is the bigger problem the town has. She has a strong feeling that the “live and let live” atmosphere in Dolores is shrinking and the regulation is bad for property rights.

- Mark Lowe commented that he thinks the town is creating regulations that are unnecessary as he has heard no issues relating to Short-term rentals. He said the town was establishing regulations so fees could be collected. He pointed out that the County has no Short-term regulations and the regulations hurt the Dolores property owners.

The Staff responded to the comments and questions posed by the 5 individuals.

1. The current proposed regulations do not apply to either mid-term rentals or long-term rentals. The short-term rental regulation process will be administered by staff. Commission will be used for handling disputes. The regulation caps at twenty permits, not that there are 20 in town already. Currently there are 12 known properties looking at Short-term rental opportunities and one more just inquired about converting to Short-term rental occupancy.

2. The proposed regulation does not prohibit wedding parties to gather at the STR. In terms of permits going with the house the regulation does not allow the permit to be attached to the property, the regulation states that the permit is not a vested property right. Allowing a buyer to jump in front of an applicant who is waiting for a permit is not favorable.

3. Number of days in a short-term rental occupancy is defined in the building code. Lodging services under 30 days is a transient occupancy (defined by Merriam-Webster as a noun is “a guest or boarder who stays only briefly” and adjective as “passing through with a brief stay”) and is regulated differently than longer stays. Regarding the self-regulation of vacation rentals by the vendors or the property owners (this is from previous assurances from STR owners that the business is self-regulating based on customer reviews and owner reviews) there is no enforcement to correct noncompliance provided by the vendors of vacation rentals (Airbnb, VRBO etc.) so the local standards and enforcement are necessary to ensure the health and

safety for all the community. The terminology of home occupation is not applicable to short-term rentals. Short term rental creates a change of occupancy and home occupation does not change the occupancy but is clearly secondary to the residential use. The “waiting list” practice works in other municipalities and is fair for the property owners who may be applying for one of the permits when one becomes available. Current codes adopted by the town require annual renewal and inspection for the existing businesses in town. Weddings are prevented from occurring at a Short-term rental. The difference between long term occupancy and short-term occupancy is the nature of the property used as a private residence occupancy must initially meet current building codes such as smoke and carbon monoxide detectors, rescue windows when it is built and when remodeled. Short Term rental permit owners may choose and can rent their property for longer than 30 days.

4. The purpose for regulation is that the change of use is required by code to comply to the requirements of the use it is moving to and will activate a compliance inspection. A single family residential must meet the safety requirements set by statute. Once a certificate of occupancy is issued for that use the property would be considered compliant until a change of use, occupancy or complaint of noncompliance is found to be factual. Bedrooms have an occupant load of 2 persons per bedroom. This applies to transient lodging as well. As for posting contact information at the occupancy, at least have the property address of the contact person at the town hall and or with the law enforcement so that contact can be made if the person cannot be reached by phone or email.

5. The known existing STR operators will be the first applicants considered for new permits. The dwellings will be vetted by the town and given opportunity and a time frame to bring any non-compliant condition into compliance. Once the dwelling has been vetted for transient occupancy standards set forth by the International codes adopted by the town, the permit can be renewed annually until the time the owner decides to quit the business. Such upgrades for compliance could be, installing rescue windows in sleeping areas, smoke, and carbon monoxide detectors or altering existing access or egress to meet codes. FEMA homeowners’ insurance rates are based on the municipalities adopted standards for construction and safety and damage prevention.

Chairperson Robinson closed the public hearing at 7:55 p.m. and moved on to the action item.

Action item:

A motion is needed to propose one of the following, propose this regulation for approval as is, a proposal to approve them with conditions or amendments, recommend a denial of these regulations or continue to discuss this regulation in future meetings.

Commissioner Tucker moved and Commissioner Heeney seconded to approve the following action item motion which is: "To move the regulations forward with considerations for an amendment of appropriate limits for numbers of sleeping units if the structure supports greater than eight, and to remove the physical address of owner and or manager from the contact information posted on the property but include it in the information the town and law enforcement would keep at the office. "Commissioner Truelsen moved and Commissioner Heeney seconded to follow the direction of the action item.

Yes: Truelsen, Heeney, Tucker and Robinson

No: none

10. ITEMS CONTINUED FROM PREVIOUS AGENDAS

10.1 Article 12 Outdoor Lighting final review set for public review. Prepare the review sheet "What's new" for this Article

Planner Garvin reviewed the recent amendments and additions to the Article. One addition is the purpose statement which defines seven elements intended to allow the Town to preserve protect and enhance the use and enjoyment of public and private property through the use of appropriate outdoor lighting. The details would encourage safe lighting that also enhances the ability to enjoy starry skies. This new development would be applicable to new and re-development, and replacement of existing fixtures within two years or as they are replaced. The requested edits from the last meeting were addressed as well. The item

regarding light curfews and the image of light trespass for the standard for regulating outdoor lighting. There was a question from Commissioner Tucker about adding a guide for the future of trail lighting. Planner Garvin says the basic standards in this article should catch trail lighting. Chairperson Robinson wants Garvin to add a standard just for pedestrian trails and send it out for review one more time. Attorney Kelly says the new proposed trail is situated higher than the town and may have ambient lighting from towns lights already.

10.2 Article 11 Hazards Planning final review or make amendments and bring back for review. (Motion needed to finalize this Article.)

Concerning Flood Plain standards, the town may want to amend this section to a referral to the flood Plain damage prevention standards that FEMA develops.

Concerning Geologic Standards, the town does have properties that extend up the canyon wall and may be subject to standards adopted by the town. Commission would like to these standards reviewed some more. Commissioner Tucker discussed the items in geologic standards and sees that some of the elements can be combined to eliminate confusion. Chairperson Robinson would like to consider adding standards aligned for each steep slope percentage 30%, 20%, 10% conditions. Building Official Doudy reminds the Commission about the existing standards in the building code that addresses each hazard, rockfall, land slide and steep slopes separately which are put in place by FEMA. Since the town is already under FEMA Regulations each of these hazards can be address through reference to those.

Concerning habitat, the town is surrounded by wildlife habitat and even hosts some species. Commissioner Tucker addressed the item in severe winter elk range, the dog leash violation is hard to enforce. And may need to take it out of the text.

Concerning Wildfire Planner Garvin will propose a section on wildfire and let the Commissioners review. Manger Charles says there are local entities that can help with this section. Garvin says an important piece of this code section will be access for escape, rescue and fire fighting equipment.

In addition, the Commissioners were updated on the Landscaping. There was an amendment to this section concerning materials. The end decision is the applicant will be

referred to local vendors for guidance on plant material then the choices will be reviewed in the application process.

Future edits on Lighting and Hazards coming back for review. Also, the research Garvin was going to provide for site and structure linking materials to appropriate geography. She plans on sending the Procedures and Signs articles for staff review.

11. ADMINISTRATIVE:

12. ADJOURNMENT Chairperson adjourned the meeting at 8:39 p.m.